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December 16, 2022

In re: Google Digital Advertising Antitrust Litigation
(1:21-md-3010-PKC)

Dear Judge Castel,

We write in response to the Motion to Seal Consolidated Class Action Complaint filed by Mint Rose Day Spa LLC, SkinnySchool LLC, and SPX Total Body Fitness LLC (the “SPX Plaintiffs”) (Dkt. No. 403). In accordance with Rule 1.A of the Court’s Individual Practices, the next conference in this matter is February 15, 2023 at 2:00 p.m.

The SPX Plaintiffs’ Consolidated Class Action Complaint (“the Complaint”) contains confidential information belonging to Google LLC (“Google”) and Meta Platforms, Inc. (“Meta”). Among the confidential information included are allegations that reference personally identifying information of certain Meta employees. (See Dkt. Nos. 405 ¶¶ 215, 224-225.)¹ The allegations that reference these employees are substantively identical to allegations in the States’ third amended complaint. (See Dkt. No. 195 ¶¶ 420, 423.) Earlier in this litigation, the parties briefed whether the personally identifying information regarding those employees should remain under seal in the States’ third amended complaint and the Court ordered that information remain under seal. (Dkt. Nos. 186, 189.) Consistent with the Court’s prior orders, Meta respectfully requests that the allegations containing personally identifying information of Meta employees in the SPX Plaintiffs’ complaint remain sealed to the same extent as

¹ The initial version of the amended complaint the SPX Plaintiffs filed on December 2, 2022 (Dkt. No. 405) did not redact personally identifying information of two Meta employees that the Court had previously ordered should remain sealed. Counsel for Meta immediately contacted counsel for the SPX Plaintiffs regarding the error, and the SPX Plaintiffs subsequently filed an amended version of the complaint that redacted the names of those two Meta employees. (Dkt. No. 406.) SPX also filed a motion to keep the version of the complaint containing the unredacted names under permanent seal, which the Court granted on December 6, 2022. (Dkt. No. 410.)

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the corresponding allegations were in the States' third amended complaint.² (*See* Dkt. No. 195.)

Respectfully submitted,

/s/ Kevin J. Orsini
Kevin J. Orsini

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

cc: All Counsel of Record (via CM/ECF)

² On December 2, 2022, pursuant to Pre-Trial Order No. 4, the Newspaper Plaintiffs also separately filed their amended pleading, which was substantively identical to the complaint they submitted as part of their motion to amend (with the exception of some additional allegations related to a new named plaintiff). (Dkt. No. 401.) The Newspapers' amended pleading contained limited redactions of Meta's confidential information in paragraphs 319 and 320. (*Id.*) For the reasons explained in Meta's October 19, 2022 brief addressing the sealed information in the version of the complaint the Newspapers submitted as part of their motion to amend, Meta continues to believe it is appropriate for the limited confidential information in those paragraphs to remain under seal. (*See* Dkt. No. 342.) The Court provisionally granted Meta's request with respect to the version of the complaint the Newspapers submitted as part of their motion to amend on October 24, 2022. (Dkt. No. 353.)